

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IFTIKHAR AHMAD,

Plaintiff,

-against-

HARTFORD LIFE AND ACCIDENT  
INSURANCE COMPANY,

Defendants.  
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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: May 9, 2011

10 Civ. 4545 (PAC)

ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

The Court has considered Plaintiff's letter of March 1, 2011 and Defendant's letter of March 4, 2011 regarding their discovery disputes. Defendant's objection to Nurse Cobb's deposition is overruled. With respect to the 80 reports prepared by Drs. Eaton and Podrid that Plaintiff requests, the Court finds that, at this stage, such a production would be unduly burdensome. As a result, the Court sustains Defendant's objection.

The Court is, however, mindful that it should consider a conflict of interest as "a factor in determining whether the plan administrator has abused its discretion in denying benefits." Metropolitan Life Ins. Co. v. Glenn, 554 U.S. 105, 108 (2008). As a result, Defendant is directed to produce a summary chart regarding the 80 requested reports. After reviewing the chart, if the Court determines that the alleged conflict of interest is plausible, the Court will reconsider its decision to sustain Defendant's objection. Such a chart must include (1) the date of the report, (2) the nature of the claim (including the type of claim and the ailment allegedly suffered by the patient), (3) the name of the reviewing physician, (4) the reviewing physician's opinion, and (5) the benefit determination made by Defendant. If the report is in the initial or appeal review

phase, this should be noted. Each report is to be given a unique identifying number so that, if necessary, each entry on the chart may be traced back to each report. The chart should be formatted as below<sup>1</sup>:

<b>ID Number</b>	<b>Date of Report</b>	<b>Nature of Claim</b>	<b>Reviewing Physician</b>	<b>Reviewing Physician's Opinion</b>	<b>Benefit Determination</b>
1	4/3/2009	Disability / Coronary Artery Disease	Eaton	"Functional with restrictions and limitations."	Denied
2	3/29/2010	Disability / Coronary Artery Disease	Podrid	"Capable of returning to full time consistent work at a sedentary level." "Able to function normally from day to day."	Denied

Dated: New York, New York  
May 5, 2011

SO ORDERED



PAUL A. CROTTY

United States District Judge

<sup>1</sup> The listed examples relate to the reports attached to Defendant's letter.